

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA04/2017/1609/F	Target Date:
Proposal: Change of use from residential to HMO	Location: 5 Cricklewood Crescent Belfast BT9 5HD
Referral Route: Proposed House in Multiple Occupation outside a HMO Node as per the HMO Subject Plan	
Recommendation:	Approve
Applicant Name and Address: Alan Humphries 21 Greer Park Avenue Belfast BT8 7YF	Agent Name and Address:
<p>Executive Summary: This application seeks full planning permission for a change of use from a single dwelling to a House In Multiple Occupation (HMO). The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> • The principle of a HMO at this location; and • Impact on surrounding residential amenity. <p>In terms of the principle - Policy HMO 5 permits for 10 percent of any street outside a HMO Policy Area or Development Node to be changed to HMO use.</p> <p>There are 24 residential properties on Cricklewood Crescent. Therefore the policy would allow for 2no HMOs on Cricklewood Crescent before the 10 percent threshold would be exceeded.</p> <p>Records indicate that this would be the first and only HMO to date in Cricklewood Crescent and is therefore acceptable.</p> <p>16no third party representations have been received raising issues including:</p> <p>Precedent, impact on amenity, anti social behaviour, noise, nuisance, contrary to Policy All matters raised are dealt with in the case officer report below.</p> <p>Consultees TransportNI and Environmental Health raise no objections.</p> <p>Having regard to the development plan, regional planning policy and associated guidance, it is recommended that this application is approved.</p>	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI - Hydebank	No objections
Non Statutory	Env Health Belfast City Council	No objections
Statutory	NI Water - Single Units East - Planning Consultations	No objections

Representations:

Letters of Support	None Received
Letters of Objection	16
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

1.0	<p>Description of Proposed Development</p> <p>Proposal is for a change of use from a single dwelling to a House In Multiple Occupation (HMO).</p>
2.0	<p>Description of Site</p> <p>The application site is a traditional 3 bed semi-detached dwelling. This has an ample sized rear garden. There is a small front garden and a driveway to the side leading to a detached garage. This is located within a cul-de-sac of similar dwellings.</p> <p>The surrounding area is predominantly residential, characterised by low to medium density housing.</p>

Planning Assessment of Policy and other Material Considerations

3.0	<p>Site History</p> <p>None relevant.</p>
4.0	<p>Policy Framework</p>
4.1	<p>Belfast Metropolitan Area Plan 2015 HMO Subject Plan for Belfast City Council Area 2015</p>
4.1.1	<p>The site is on unzoned whiteland in the draft Belfast Metropolitan Area Plan (BMAP) 2015</p>
4.2	<p>SPPS, Planning Policy Statements:</p> <p>4.2.1 SPPS, Planning Policy Statements 1-24 specify 4.2.2 Strategic Planning Policy Statement for NI (SPPS) 4.2.3 Planning Policy Statement 6: Planning, Archaeology and the Built Heritage 4.2.4 Houses in Multiple Occupation Subject Plan for Belfast City Council Area 2015</p>
5.0	<p>Representations</p>
5.1	<p>16no separate representations have been made in respect of this application. All of these are objections to the proposed HMO. The following concerns and points have been raised:</p> <ol style="list-style-type: none"> 1. Site is outside a HMO Policy Area and Development Node as per the HMO Subject Plan and the Preferred Options Paper; 2. Preferred Option Paper acknowledges that detrimental impact of HMO's greater in parts of south Belfast than elsewhere in the city; 3. Introduction of HMO would introduce students to the area and materially alter the character of the area in respect of the type of residents which is currently the elderly and young families; 4. Impact on car parking / traffic and road safety; 5. HMO as a regeneration tool is not applicable in this area; 6. Proposal contrary to HMO Subject Plan 'strategy' which aims to: a) focus HMO development in areas where it can contribute to regeneration; and b) promote appropriate development of purpose built student accommodation; 7. Precedent for further HMOs in Cricklewood Crescent; 8. Contrary to aims of the Preferred Options Paper; 9. Excessive noise and disturbance and anti-social behaviour; 10. How will the extra refuse created by the additional tenants be disposed of and will there be additional bin storage space; 11. Detrimental impact on a nearby primary school as young families will avoid the area in the future; 12. Proposal contrary to LP6 of the Preferred Options Paper which will seek to pro-actively manage the future supply of HMOs; and 13. Not all residents in Cricklewood Crescent did not received a notification letter. <p>All of the above points are material planning considerations and will be addressed in the assessment below. Reference to the Preferred Options Paper (POP) is duly noted and it needs to be explained at the outset that this is not a policy document. The Preferred Options Paper merely sets out the strategic approach to some of the key issues for the</p>

	development of Belfast. This is the first stage of the plan-making process and is part of an ongoing consultation process. It does not carry any significant weight in planning application decisions. Prematurity is only relevant where an LDP is near its adoption stage.
6.0	Assessment
6.1	The proposal is within the development limits for Belfast as identified in the draft development plan (dBMAP 2015). As such the principle of the proposal is deemed acceptable at this location.
6.2	The application site is not within an HMO Policy Area or Development Node as designated in the HMO Subject Plan 2015.
6.3	Therefore Policy HMO 5 is applicable in this instance.
6.4	Policy HMO 5 permits for 10 percent of any street outside a HMO Policy Area or Development Node to be changed to HMO use.
6.5	There are 24 residential properties on Cricklewood Crescent. Council records indicate that as of November 2004 there were no properties in HMO use on Cricklewood Crescent. The NIHE Public Register of HMOs (at 09/08/17) shows no registered HMO on Cricklewood Crescent. A planning history check of this street indicates no approvals/decisions relating to HMO development or use. Therefore the policy would allow for 2no HMOs on Cricklewood Crescent before the 10 percent threshold would be exceeded.
6.6	In relation to Policy HMO 6, all the criteria are either met or are not relevant in this instance. The HMO unit is not within a Policy Area; the HMO unit is not wholly in the rear of the property and without access to the public street; and the original property (house) is not being converted to flats for HMO use (third and fourth bullet points).
6.7	The SPSS is relevant given the perceived impact of HMO development on amenity and parking within the locality. This is concerned with impact on amenity such as noise, nuisance and disturbance; and impact on road safety and traffic circulation.
6.8	Environmental Health was consulted and has no concerns regarding potential for noise. If persistent and unacceptable noise levels do occur then Belfast City Council's Environmental Health Services Department is the statutory authority for noise nuisance and has mechanisms that can be put in place to prevent further disturbance. The proposed conversion will result in 3 persons sharing the house together. It could reasonably be anticipated that this would not result in excessive noise or disturbance, no greater than a typical family home.
6.9	In terms of car parking/impact on existing traffic arrangements, the various policy requirements of 'Subject Plan' seek to encourage regeneration, address need and demand, and also protect residential amenity, but it is noted that the provision of car parking is not a requirement of the assessment process. Equally, existing Regional Planning Policy and supplementary planning guidance, including the published 'Parking Standards', do not incorporate car parking as a requirement for HMO development. TransportNI has been consulted and have no objections to this proposal.
6.10	No operational development is proposed and therefore existing amenity space provision is unaffected.

6.11	There is no anticipated impact on the visual amenity and character of the area given that no external changes are proposed.
7.0	Precedent
7.1	Neighbours have raised concerns regarding the impact of the proposal on the character of the area by changing it from an established residential area with families and the elderly to a transient population. However, Policy HMO 5 of the Subject Plan only permits a 10% change of use of dwellings into a HMO in areas outside HMO Policy Areas and Development Nodes. Cricklewood Crescent consists of 24 dwellings. Under this policy only one more HMO can be permitted before the 10% has been reached. Two HMOs will not affect the overall character of the street in respect of its population trend.
7.2	The amplification of Policy HMO 5 states that it is designed to protect the amenity of residential areas and promote balanced communities.
8.0	Refuse Provision
	5.5.1 A resident has raised a query regarding a perceived increase in the need for additional refuse storage provision and collection. There are no policy requirements for such where the change of use is for one HMO from one dwelling house. The property will still be one single residential unit. The existing arrangements for refuse storage and collection are therefore adequate.
9.0	Neighbour Notification
	5.6.1 Several representations made have outlined that they did not receive a neighbour notification letter. 5.6.2 The formal arrangements for notifying neighbouring properties is published in the Department of Infrastructure's document Development Management Practice Note 14 (DMPN 14) 'Publicity Arrangements and Neighbour Notification'. This states that in line with Article 8(2) of the Planning (General Development Procedure) Order (NI) 2015 (GDPO) the relevant council is required to serve notice on neighbouring land. Neighbouring land is defined by DMPN 14 as land which directly adjoins the application site or which adjoin it but for an entry road less than 20m in width. 5.6.3 The council is satisfied that the neighbour notification process was carried out in accordance with Article 8(2) of the GDPO.
10.0	Summary of Recommendation
10.1	Having regard to the policy context and other material considerations above, the proposal is considered acceptable and planning permission is recommended subject to conditions.
11.0	Conditions:
11.1	As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: Time Limit.

ANNEX	
Date Valid	5th July 2017
Date First Advertised	18th August 2017
Date Last Advertised	N/A
Date of Last Neighbour Notification	N/A
Planning History	
None relevant.	
Drawing Numbers and Title	
Drawing No. 01 Type: Site Location Plan Drawing No. 02 Type: Floor Plans	
Representations from Elected Members :	
None	